

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTERS 67-1878, 69-1416 AND 71-824, SPECIAL ACTS, LAWS OF FLORIDA, AND CHAPTER 20 "NUISANCES" OF THE CODE OF LAWS AND ORDINANCES OF PALM BEACH COUNTY, BY AMENDING PARAGRAPH 2 OF SECTION 20-20, NUISANCE TO BE ABATED, TO PROVIDE FOR ABATEMENT OF NUISANCE IN ITS ENTIRETY IN BLIGHTED AREAS AND IN CASES WHERE THERE EXISTS DOCUMENTED EVIDENCE OF VAGRANTS OR CRIME; PROVIDING FOR ADDITIONAL SPACES TO BE CLEARED; PROVIDING FOR REPEAL OF LAWS IN CONFLICT, CODIFICATION, SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, Section 125.01, Florida Statutes, 1989, empowers Palm Beach County to adopt ordinances necessary for the exercise of its powers and prescribe fines and penalties for the violation of ordinances in accordance with law; and

WHEREAS, Section 125.01(w), Florida Statutes, 1989 enables Palm Beach County to perform acts not inconsistent with law which are in the common interest of the people of the County; and

WHEREAS, the Constitution of the State of Florida, as revised in 1968 now provides in Article VIII, Section 6(d) that local laws relating only to the unincorporated areas of a County, effective of the date of the Constitutional revision, may be amended by County ordinance; and

WHEREAS, areas within Palm Beach County have been determined to be slum and blighted area under Chapter 163, Florida Statutes; and

WHEREAS, in order to provide for the health, safety and welfare of the citizens of the slum and blighted area, it is necessary to initiate special lot clearing requirements; and

WHEREAS, the Palm Beach County Comprehensive Plan provides for special land use provisions for the slum and blighted area overlay to arrest deterioration of property values, to preserve affordable housing, and complement the efforts to prepare and implement a community redevelopment plan for the Westgate area; and

WHEREAS, certain lots within Palm Beach County require greater lot clearing in order to protect the health, safety and



1 welfare of the public; and

2 WHEREAS, special lot clearing requirements will further  
3 these goals and objectives; and

4 NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY  
5 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Chapter 20 is  
6 amended as follows:

7 SECTION 20-20. NUISANCE TO BE ABATED.

8 (2) If the nuisance consists solely of uncultivated  
9 vegetation as provided in Section 20-19, Paragraphs (3), (4),  
10 and (5), only so much of the nuisance shall be abated as lies  
11 within twenty-five (25) feet of the boundary of an adjacent  
12 property which is developed and used for residential,  
13 commercial or industrial purposes. In cases involving areas  
14 declared by the Board of County Commissioners as blighted,  
15 pursuant to state statutes or in any cases which there is  
16 evidence of vagrants using the overgrown property for  
17 habitation or that crimes of a violent nature or crimes  
18 involving the sale or possession of illegal substances are  
19 occurring on the premises, then the nuisance may be abated in  
20 its entirety, provided that the nuisance lies upon a lot which  
21 is adjacent to property which is developed. The evidence  
22 required must be documented by the Palm Beach County Sheriff's  
23 Department or other appropriate Law Enforcement Agency. For  
24 purposes of this section only, right-of-ways shall be  
25 considered adjacent, developed property. The owner and the  
26 department are encouraged to preserve, and need not clear trees  
27 and Serenoa repens (commonly known as Saw Palmetto); and  
28 provided further that the owner and the department are  
29 encouraged to clear melaleuca quinquenervia (commonly known as  
30 Punk Tree, Cajeput, or Paper Bark Tree), Casurina Spp.  
31 (commonly known as Australian Pine); Acacia Ariculaeformis  
32 (commonly known as Earleaf Acacia); and provided further that  
33 the owner and the department shall clear Schinus  
34 terebinthifolius (commonly known as Brazilian Pepper or Florida  
35 Holly)."



1                    **REPEAL OF LAWS IN CONFLICT:**

2                    All local laws and ordinances applying to the  
3                    unincorporated area of Palm Beach County in conflict with any  
4                    provisions of this Ordinance are hereby repealed.

5                    **CODIFICATION:**

6                    The provisions of this Ordinance shall become and be  
7                    made a part of the Code of Laws and Ordinances of Palm Beach  
8                    County, Florida. The Sections of this Ordinance may be  
9                    renumbered or relettered to accomplish such, and the words  
10                   "ordinance", "article", "section", "subsection", "paragraph"  
11                   may be changed to any other appropriate word to accomplish  
12                   codification.

13                   **SEVERABILITY:**

14                   If any section, paragraph, sentence, clause, phrase, or  
15                   word of this ordinance is for any reason held by the Court to  
16                   be unconstitutional, inoperative or void, such holding shall  
17                   not affect the remainder of this ordinance.

18                   **EFFECTIVE DATE:**

19                   The provisions of this Ordinance shall become effective  
20                   upon receipt of acknowledgement by the Secretary of State.

21                   APPROVED AND ADOPTED by the Board of County  
22                   Commissioners of Palm Beach County, Florida on the \_\_\_\_ day of  
23                   FEB 19, 1991.

24                   PALM BEACH COUNTY, FLORIDA, BY  
25                   ITS BOARD OF COUNTY COMMISSIONERS

26                   By [Signature]  
27                   Chairman

28                   APPROVED AS TO FORM AND  
29                   LEGAL SUFFICIENCY

30                   By [Signature]  
31                   County Attorney

32                   JOHN B. DUNKLE, CLERK  
33                   Board of County Commissioners

34                   By [Signature]  
35                   DEPUTY CLERK

36                   Acknowledgement by the Department of State of State of  
37                   Florida, on the 26th day of February, 1991.

38                   **EFFECTIVE DATE:**

39                   Acknowledgement received from the Department of State  
40                   received on the 4th day of March, 1991, at  
41                   10:58 A.M. and filed in the Office of the Clerk of the Board  
42                   of County Commissioners of Palm Beach County, Florida.

43                   3

44                   STATE OF FLORIDA, COUNTY OF PALM BEACH  
45                   I, JOHN B. DUNKLE, ex-officio Clerk of the  
46                   Board of County Commissioners certify this to  
                 be a true and correct copy of the original filed in  
                 my office on 2/19/91  
                 DATED at West Palm Beach, FL on 2/4/91  
                 JOHN B. DUNKLE, Clerk  
                 By [Signature] D.C.  
                 Deputy Clerk